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THE

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TRIAL

OF

ARTHUR WALLACE,

ASSISTANT DEPUTY POST-MASTER OF CARLOW,

FOR STEALING NOTES OUT OF THE POST BAG,

AND FOR FORGERY.

DUBLIN:

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1800.



THE
T R I A L,

Et. Et.

ARTHUR WALLACE of the town of Carlow, Apothecary, stood indicted for that he, on the 1st of March, in the fortieth year of the King, at Carlow, being a person employed in business relating to the Post-office; that is to say, assistant to Lydia Wall, Deputy Post-mistress, feloniously did secrete and embezzle a "*packet*" directed to Henry Loftus Tottenham, at Ross; which packet was sent by the Post, and came to the prisoner's hands, and which packet contained

1. A promissory note, dated January 29, 1800, made by Crosbie Callan, (the agent of Leighton and Company, Bankers, usually entrusted by them to sign such notes) and payable to James Gorman, for ten pounds sterling.

2. And another note of like description, payable to R. Walsh, for ten guineas, dated January 31, 1800.

3. And another note of like description, payable to J. Lynn, for five guineas, dated January 13, 1800.

4. And another note of like description, payable to R. Fulton, for ten guineas, dated January 3, 1800.

In the *second* count he was charged as a person employed in business relating to the Post-office, without describing his office. The notes were stated to be made by Leighton and Company, and signed by Crosbie Callan, and were

1. A note to R. Fulton for five guineas, Feb. 17, 1800.
2. To R. Walsh—ten guineas, Feb. 10, 1800.
3. To R. Fulton—ten guineas, Jan. 3, 1800.
4. To C. Whyte—ten pounds, Jan. 31, 1800.

In the third count he was charged generally as having stolen out of a packet directed to Mr. Tottenham, and sent by the post, notes made by C. Callan for Leighton and Company :

1. To C. Whyte for ten pounds, dated Feb. 17, 1800.
2. — R. Fulton—five guineas, Jan. 31, 1800.
3. — R. Walsh—ten guineas, Jan. 31, 1800.
4. — C. Whyte—ten pounds, Jan. 31, 1800.

In the *fourth* count he was charged as in the *third*, the notes being described as made by Leighton and Co. and signed by C. Callan, viz.

1. To J. Lynn, for seven guineas, 13 Jan. 1800.
2. — R. Fulton—ten guineas, 3 Jan. 1800.
3. — J. Gorman—ten pounds, 29 Jan. 1800.
4. — R. Walsh—ten guineas, 10 Feb. 1800.

In the *fifth*, *sixth*, *seventh*, and *eighth* counts, the charge was made as in the four first, except that the word "*letter*" was used instead of the word "*packet*."

In the *ninth* count he was charged generally with stealing a "*packet*" sent by the post to H. L. Tottenham, at Rois, the notes not being set forth.

In the *tenth*, as in the ninth, calling it a "*letter*."

In the *eleventh*, that he, being *Assistant Deputy Post-master* of Carlów, did steal out of a bag of letters sent by post, a "*packet*" directed to H. L. Tottenham.

In the *twelfth*, as in the foregoing, calling it a "*letter*."

In the *thirteenth*, with having opened and embezzled a *packet* sent by post, directed to H. L. Tottenham, after it was delivered to the Post-office, he, the said Wallace, not having any warrant for the same, the said H. L. Tottenham not having refused to pay the postage, and being to be found.

In the *fifteenth* count, as in the foregoing, calling it a "*letter*."

[There were six other indictments grounded on the Post-office act, upon which the prisoner not having been tried, it is deemed unnecessary to relate them.]

In the *eighth* indictment he stood charged with having forged upon a note, made Jan. 31, 1800, by C. Callan, for Leighton and Co. to R. Walsh, for ten guineas, the name of H. L. Tottenham, with intent to defraud Leighton and Co.

A *second* count laid the intent to defraud H. L. Tottenham.

A *third* charged him with a similar forgery upon a post-bill to R. Fulton, for ten guineas, dated Jan. 3, 1800, with intent to defraud Leighton and Co.

A *fourth*, with intent to defraud H. L. Tottenham.

To these indictments the prisoner pleaded NOT GUILTY; and the morning of Tuesday, August the 5th, 1800, was appointed by Lord Kilwarden for the trial.

COUNSEL.

COUNSEL FOR THE CROWN.

The Right Hon. the Attorney General,
Arthur Moore,
William Johnson,
John Parsons,
Richard Jebb, and
Harding Giffard, Esqrs.

AGENT, R. Waddy, Esq. Solicitor for the General Post-office.

FOR THE PRISONER.

J. P. Curran,
X Richard Colles,
Charles Ball,
Christopher Antifell,
William Ridgeway, and
John Grogan, Esqrs.

AGENT, Charles Moore Macmahon, Esq.

August 5, 1800.

The prisoner being called to his trial, Mr Curran moved to have the trial postponed, upon the ground that the prisoner was yet unprepared to enter upon his defence. He had consulted a professional gentleman for this purpose, who was not yet arrived in town, though he was every moment expected. This gentleman was perfectly acquainted with the nature and arrangement of his defence, and his preference was deemed by the prisoner essential to his security. X

Mr. Curran observed, that there appeared to be a great number of counts and indictments, which from the hasty note he had taken of them when read by the Clerk of the

X Leo: Mr Waddy was also retained, but having been brought specially to Wexford, did not arrive at Carlow in time.

the Crown, he conceived to be of a very complicated nature; and as he asked only till the next day, he hoped the Court would consent to postpone the trial.

Lord Kilwarden said, there seemed to him to be nothing complicated in the indictments; they were drawn in such a way as to take the offence charged in all its possible views; but the nature of the offence itself was easily understood.

The prisoner having exhausted his number of peremptory challenges and several persons having been sent by the prosecutor, the following Jury was sworn :

- | | |
|------------------|---------------------|
| 1. James Herring | 7. Abraham Barker |
| 2. Richard Budds | 8. Joseph Nicholson |
| 3. Philip Butler | 9. John Morton |
| 4. James Bennet | 10. John Nowlan |
| 5. James Brown | 11. George Little |
| 6. Simon Barker | 12. John Little |

Mr. Giffard opened the indictments.

The Right Hon. the Attorney General.—My Lord, and Gentlemen of the Jury, the importance of this prosecution to the safety of commercial intercourse, and the security of public credit, has induced me to take out of the hands of my learned friend (Mr. Moore) the task of stating to you the circumstances upon which you will be required to found your verdict: ably and excellently would he have performed that duty, and it is not from any vain hope of exceeding him in the discharge of that duty that I undertake it, but because I feel this to be that kind of case in which my official situation commands me to take a part.

You have heard the indictments read, which, complicated as they have been asserted to be, reduce the object of your enquiry

enquiry to simple and naked facts. The first of them charges the prisoner at the bar with having stolen bank notes out of the post-bag; the other, with having forged the name of Mr. Tottenham upon certain bank notes therein mentioned.

As this is the first prosecution which has taken place under the particular clause of the Post-office Act, on which some of the counts in this indictment are founded, it may be necessary to read you that clause.

“ 3. And be it enacted, That if any Officer or other
 “ Person whatsoever, in any wise acting under or by virtue
 “ of this Act, or under or by virtue of any other Act,
 “ passed or to be passed in this Kingdom, relative to the
 “ Post-office, or any Deputy, Clerk, Agent, Letter-carrier,
 “ Post-boy, or Rider, or any other Officer or Person em-
 “ ployed, or to be hereafter employed in receiving, stamp-
 “ ing, sorting, charging, carrying, conveying, or deliver-
 “ ing letters, or packets, or in any other business relating
 “ to the post-office, shall wilfully secrete, embezzle or destroy,
 “ or shall wilfully permit or suffer any other person or per-
 “ sons wilfully to secrete, embezzle, or destroy; or if any
 “ other person or persons shall, with or without the consent
 “ of any such clerk, deputy, agent, letter-carrier, post-boy,
 “ or rider, or other officer, or person whatsoever, em-
 “ ployed as aforesaid, wilfully secrete, embezzle, or destroy
 “ any letter or letters, packet or packets, bag, or mail of
 “ letters, which shall have been sent by the post, or with
 “ which any such deputy, clerk, agent, letter-carrier, post-
 “ boy, or rider, or other officer, or person to be employ-
 “ ed as aforesaid, shall and may be respectively entrusted,
 “ or which shall have come to his, her, or their hands or
 “ possession, which shall contain any Bank-Note, Bank-Post-
 “ Bill, Bill of Exchange, Treasury or Exchequer Bill,
 “ Debenture

“ Debenture or Acquittance, South-Sea, East-India, or
 “ City of Dublin, Bond, Dividend-Warrant of the Bank
 “ of Ireland or England, South-Sea, East-India, or other
 “ Company, Society, or Corporation ; Navy, or Victualling
 “ or Transport Bill, Ordnance-Debenture, Seamen’s Ticket ;
 “ Irish or British State Lottery-Ticket, or Share of any
 “ such Ticket, Bank, Treasury, or other Receipt, for Pay-
 “ ment of any public Loan, Note of Assignment of Stock,
 “ in the Irish or British Funds ; Letter of Attorney for
 “ receiving Annuities or Dividends, or for selling Stock in
 “ the Funds of Ireland or Great Britain, or belonging to
 “ any Company, Society or Corporation ; Goldsmith, or
 “ Banker’s Letter of Credit, or Note for or relating to the
 “ Payment of Money ; or Bond or Warrant of Attor-
 “ ney, Draft, Bill, or Promissory Note, or other Security
 “ or Securities, or Paper, Voucher or Thing whatsoever,
 “ for the Payment of Money, or whereby or whereon any
 “ Sum of Money may be had, gotten, received or reco-
 “ vered, or which shall contain any Part of the said feve-
 “ ral Vouchers, Securities, Papers, Matters or Things here-
 “ in before mentioned, or of any of them, or shall steal
 “ or feloniously take out of any Letter or Packet that shall
 “ come to his, her, or their hands or possession, or which
 “ shall have been sent by the Post, any of the vouchers,
 “ securities, papers, matters, or things herein before-
 “ mentioned, or any part of them, or of any of them, or
 “ any other security or securities, or matter or paper, or
 “ thing whatsoever, or any part of them, or of any of
 “ them, for the payment of money, whereby, or whereon
 “ any sum of money may be had, gotten, received or re-
 “ covered, or shall steal or feloniously take out of any
 “ letter or packet that shall come to his, her, or their
 “ hands or possession, or which shall have been sent by the
 “ Post, any part of any of the vouchers, securities, pa-
 B “ pers,

“ pers, matters or things herein before mentioned, or any
 “ part of any other security or securities, paper, matter,
 “ or thing whatsoever for the payment of money, whether
 “ money can be had, gotten, received, or recovered thereby
 “ or thereon or not, or if any person or persons shall be
 “ aiding or assisting in the committing of any of the said
 “ offences, or if any person or persons shall receive any such
 “ letter or letters, packet or packets, bag, or mail of let-
 “ ters, so as aforesaid secreted or embezzled, or any of the
 “ vouchers, securities, papers, matters, or things herein be-
 “ fore mentioned, contained in such letter or letters, packet
 “ or packets, bag, or mail of letters, or any part of them,
 “ or of any of them, knowing the same to have been wil-
 “ fully secreted or embezzled as aforesaid, or if any person
 “ or persons shall receive any of the vouchers, securities,
 “ or papers, or any part of them, or any matter, article,
 “ or thing, which shall have been feloniously taken out of
 “ any letter or letters, packet or packets, bag, or mail of
 “ letters, knowing the same to have been stolen, or felo-
 “ niously taken as aforesaid, every such offender or offend-
 “ ers, being thereof convicted by due course of law, shall
 “ be deemed guilty of Felony, and shall suffer Death as a
 “ Felon without Benefit of Clergy.”—38 G. III. c. 47,
 § 3.

Upon a subject so deeply concerning the common interests
 of the country, the Legislature found it thus necessary to
 make an additional provision for the safety of the public, by
 which frauds committed upon the Post-office are punished
 with death, even though committed by persons not en-
 trusted by the Office; thus guarding the medium of in-
 tercourse against the difficulty which has sometimes oc-
 curred, of proving exactly the authority under which De-
 puty Post-masters, and their servants, have been entrusted
 with the care of the mails.

Having

Having said thus much as to the law, I will briefly state the circumstances of this case.

The prisoner at the bar, Mr. Arthur Wallace, is a man of considerable talents; he was bred an Apothecary, and though born and educated in the county of Mayo, was early in his life in the situation of a journeyman to Mr. Reed, a respectable Apothecary in this town. After some time they disagreed; Mr. Reed made charges of dishonesty against the prisoner—Mr. Wallace brought an action for defamation against Reed, in which action he failed——

Mr. Curran. Can this matter be proved in evidence?

Attorney General. I conceive that the character of the individual, and his previous habits of life, are of importance in a trial of this kind; and I think too that it is necessary to detail the steps by which Mr. Wallace came to be entrusted with the situation he held.

Lord Kilwarden. The Counsel cannot, in stating the case, go into any foreign matter not connected with the indictment. ✕

Attorney General. My Lord, I could find very many precedents to warrant this and greater latitude; but I bow to the decision of the Court, and shall omit what I was about to mention.

In the course of his residence in this town, Mr. Wallace became acquainted with Mrs. Lydia Wall, the Post-mistress of Carlow; she wanted an assistant in her office. The prisoner, who is a man of great address, persuaded her to admit him as her assistant, reserving to herself the salary, and giving to him, for the whole labour of the office, the incidental profits, which might amount to about 60l.

B 2

yearly;

✕ See the statement of the Attorney General of England in De Lamotte's case. M. S. annexed to Leach's Cr. Ca.

yearly; this she consented to the more readily, as the prisoner had, by a residence of seven or eight years, become well known and established in the town, and bore a most respectable character.

This took place about two years and an half ago; since that time, Gentlemen, it will appear, that the prisoner has acquired a very ample fortune, and has engaged in various profitable branches of trade to an extensive degree; but whatever suspicion these facts may have excited in others, it ought to be recollected by you that they bear at least equally in favour of the prisoner as against him; for it is natural to suppose, that affluent circumstances, like those he enjoyed, would raise him above the temptation of committing crimes of the turpitude of those with which he stands charged.

Mr. Wallace being assistant to the Post-mistress, and himself doing the whole of the duty of the office, it so happened that Mr. Henry Loftus Tottenham, a gentleman holding an office under the Crown, which gives him occasion to receive and remit large sums of money, had occasion to receive early in this year a sum of nearly one thousand pounds, from the bank of Sir Thomas Leighton and Co. according, on the 27th of February last, a letter was put into the Post-office at Dublin, containing notes and bills (which had been before in circulation) to this amount, and directed to Mr. Tottenham at New Ross. To proceed to New Ross, it was necessary that the letter should pass through this town; the difficulties of the country had altered the usual course of the mail coaches, and made it requisite for them to avoid travelling at night. Carlow, unfortunately for the prisoner, was the place of resting. The mails for Ross, Cork, and Tullow, arrived here at five o'clock in the evening, and departed at six the next morning, giving to the prisoner, in whose care they remained,

full

full opportunity to inspect and examine, and, if inclined, to *rob*.

It will appear from the course of evidence which we shall lay before you, that this packet, or letter, directed to Mr. Tottenham, must have been opened and plundered by the prisoner, and the letter itself probably destroyed.

Having thus got possession of notes to the amount of nearly one thousand pounds, the next object was to put these securities into circulation without incurring the danger of detection. On one of them was indorsed the real name of Henry Loftus Tottenham (they having been in previous circulation) so that as all the notes were specially made payable to that gentleman, the prisoner had a model by which he could forge Mr. Tottenham's name; for amongst his various talents, he possesses that of a ready and ingenious penman.

To put these notes, upon which he had thus forged Mr. Tottenham's indorsements, into circulation, he made use of other letters which passed through the office. It will appear in evidence, that Capt. Smith, of the Downshire regiment, quartered at Clonegal, had put into the Post-office there a letter, containing bank notes corresponding in amount with some of those taken out of Mr. Tottenham's letter; these the prisoner took out, and substituted an equal amount of Mr. Tottenham's notes, upon which he had, as I have mentioned, forged the indorsement of that gentleman. Capt. Smith had not, in his letter, given any particulars of the securities he had enclosed; and this letter was in course forwarded according to the direction to his brother, Mr. John Smith, in Dublin, application was made by Mr. Smith at the bank of Leighton and Co. for payment, and at the bank the notes were stopped

as

as part of those sent from their house to Mr. Tottenham, and never received by him.

There is, Gentlemen, in an office of considerable trust in the department of the General Post-office, a man of peculiar sagacity and unceasing diligence in protecting that establishment from the frauds to which it is exposed—a more active, or more useful officer, his Majesty does not possess; this gentleman (Mr. De Joncourt) was resorted to by Mr. Smith, in consequence of these bills being stopped. They were shewn to him, and he instantly recognized, in the supposed indorsement of Mr. Tottenham, the handwriting of the prisoner at the bar; farther enquiry discovered many other of Mr. Tottenham's notes in circulation, and upon tracing them through various channels, such evidence came out affecting the prisoner, as to make it necessary to issue warrants for his apprehension.

Before these warrants were put in execution, and before the suspicions against the prisoner were divulged, it was determined to make a full and fair experiment of his guilt or innocence, by a most justifiable and ingenious contrivance. Under the advice and direction of Mr. Waddy, Solicitor to the Post-office, letters were written, and put into the office at Carlow, containing bills marked in such a way as to be easily identified. The young gentleman who was directed to put them in (a clerk of Mr. Waddy) saw the prisoner Wallace lift up the cover of the receiver, and take these letters with others into his sorting-office. In pursuance of the plan, Mr. De Joncourt placed himself at *Dermot* Castle~~corner~~, the next post-town on the Dublin road, to examine the mail when it should arrive from Carlow, and discover whether these letters had sustained any alteration.

The morning after these letters were put into the office at Carlow, Mr. De Joncourt stopped the bag at Castledermot, and

and examining one of the letters directed to Mr. C. Rigney, he found that the note enclosed had been taken out, and one of Mr. Tottenham's securities substituted in its place.

Upon this additional proof of the prisoner's guilt, Mr. De Joncourt, attended by Major Swan, set out for this town; they went to the house of Mr. Wallace, which they surrounded, to prevent escape, and searched his person; they found on him but a guinea note. They asked, had he any more? he declared upon his honour that he had not; but, Gentlemen, Major Swan is not a man easily imposed upon or put off, he made further search, and in an inside concealed pocket, he found a great number of half notes of Mr. Tottenham's securities, folded up and ready to be substituted in the room of half notes of similar amount, part of which had been forwarded, and the other part of which he expected to find in the following mails; and those half notes he had carefully labelled according to the several directions of the letters in which they were to be substituted; and in his pocket-book was found the very note taken out of the letter to Rigney, put into the office the evening before by Mr. Waddy's clerk.

I have thus as shortly as possible stated the facts of the case; if they are proved in evidence there can be no doubt of the nature of your verdict.

Mr. Crosbie Callan sworn.

I am a clerk in the Bank of Leighton and Co. I was in that situation in February last. We corresponded with Mr. Henry Loftus Tottenham of Ross. I made up a parcel of notes for him on the 26th of February, and on the 27th put them into a large cover for him. I have the entry of them here, and a copy of the letter in this letter-book, in my

my own hand-writing. There were twenty-five notes for ten guineas each, thirty for five guineas, twenty for seven guineas, twenty-nine for three guineas, twenty for 10l. each, and one for 7l. 9s. 7d. They were all payable to different persons, except the last, which was a balance bill, payable to Henry Loftus Tottenham or order. There was also a 10l. bill, which had been before made payable to Mr. Tottenham, was indorsed by him, and had been paid in consequence, and was then re-issued. All the bills were specially indorsed to him, except the balance bill drawn in his own favour. They had all been in negotiation before. They were put into the packet by myself; there was also a letter in the packet. I made them up—it was my department to do so. They were signed by me. I sign notes now, Mr. Brooke did so before. I sealed the packet, and left it on my desk to be taken with others to the Post-office; this was the duty of Edward Holland, another clerk.

[The following half notes were then shewn to Mr. Callan, which he identified as having been signed by him, and part of the parcel sent to Mr. Tottenham:

No. 2130,	10l.	31 Jan. 1800,	payable to C. Whyte,
2140,	10l.	31 Jan. 1800,	C. Whyte,
2116,	10l.	29 Jan. 1800,	J. Gorman,
9027,	5 Cs.	17 Feb. 1800,	Rd. Fulton.

Also, the following whole notes:

No. 7674,	10 Gs.	31 Jan. 1800,	payable to Rd. Walfh,
6048,	7 Gs.	13 Jan. 1800,	J. Lynn,
7834,	10 Gs.	10 Feb. 1800,	Rd. Walfh,
6306,	10 Gs.	3 Jan. 1800,	Rd. Fulton,
6307,	10 Gs.	3 Jan. 1800,	Rd. Fulton.

Also,

Also, the remaining halves of

No. 2116,	10l.	29 Jan.	payable to J. Gorman,
2140,	10l.	31 Jan.	C. White.]

Cross-examined.

I left the letter in my office with other letters; it is a public office, in which about eight clerks write, every one of them had access to it.

Mr. Edward Holland sworn.

I was in Leighton's bank in February last. It was my duty to leave letters in the Post-office in the evening. I collect bills during the day. I put letters in the office on the 27th of Feb. last. There was amongst them one for Henry Loftus Tottenham, of Rofs. I got it in the office on Mr. Callan's desk. It was sealed. I always examine whether letters are sealed; and I sign in the letter-book, opposite the copy of the letter, to ascertain that I have put the letter into the office. I did so with this letter. I put it into the office in the same state I found it on the desk. This is the letter-book, and these are my initials opposite the letter.

Mr. Trevor Hill sworn.

I am an officer of the Post-office; the Cork mail was made up under my inspection on the 27th of Feb. last—it included the Rofs mail; and was dispatched in the usual and regular manner

Cross-examined.

I remember the night very well, the mail at that time stopped for the night in Carlow; the Rofs bag was sealed. The seal was, I suppose, known to the Officer at Rofs; it is a security that the bag shall not be opened till it reaches Rofs.

C

Henry

Henry Loftus Tottenham Esq. sworn.

I live at Rofs; I keep an account at Leighton's bank. I had occasion for remittances from thence in February last, and wrote to them for the amount of a note of 925l. which I sent to be discounted. I was to receive the amount in Post-bills at Rofs. I received none for that note at that time, nor any letter of the 26th of February enclosing any Post-bills, nor of the 27th.

[The notes endorsed "Henry Loftus Tottenham," were shewn to the witnesses.]

This is not my writing.

[Mr. *Antisell*, of counsel for the Prisoner, objected to this evidence. He insisted that Mr. Tottenham could not prove the forgery, as being an interested witness.]

I have been paid by the bank, and passed them a bond of indemnity. I was obliged to threaten them with a suit. The bond I gave was against my own real indorsements but they paid me for the forgeries.

No cross-examination.

Isaac De Joncourt, Esq. sworn.

I hold an office in the General Post-office, that of Deputy Comptroller—I held it in February last. I am acquainted with the course of the Munster mail; the Rofs mail is included in it. In February last it passed through Carlow, where it delayed from the evening until the morning of the next day. It should for that time have remained in the custody of the Post-master of Carlow. I know the prisoner; he held the employment of Assistant to the Post-mistress, Lydia Wall. The Post-office was held in his house; she did not live there—he held the custody of the mails.

There

There was no other place between Dublin and Ross, where there was any considerable delay of the mails. I know that the Clonegal bag comes to Carlow—it was here included in the Munster bag; it also made a delay at Carlow from evening to morning. The Tullow mail was under similar circumstances. The mail from Dublin to Cork, and those cross mails, were all delayed at Carlow from evening to morning. The general order was, that no mail should travel by night; so that the cross mails must have come in in the evening. There was no other place where the mails delayed so long. I know Mr. John Smith of Aungier-street; I went to his house in March last. Two bank post-bills of Leighton's bank had been stopped at the bank, and Mr. Smith's servant brought to me in custody with the notes. I would know those notes again.

[Here Mr. De Joncourt identified the notes, 6306 and 6307, 3d Jan. 1800, for ten guineas each, payable to R. Fulton.]

I see these endorsements, "pay Henry Loftus Tottenham, "or order;" then follows, "Henry Loftus Tottenham." I am acquainted with the prisoner's hand writing—I have seen him write. This is an affectation of another hand; and I firmly believe the words, "Henry Loftus Tottenham," to be the hand-writing of the prisoner. When I saw those notes I went to the house of Mr. Smith, and took them with me. I communicated with Mr. Smith, Mr. Thompson of the Post-office, and Mr. Waddy the Solicitor——

[Here Mr. Ball, of counsel for the prisoner, objected to Mr. De Joncourt's testimony, proving these endorsements to be the prisoner's hand-writing.]

This was on the 21st of March. On a conference, we came to a determination to apprehend Wallace. I lodged informations against him; but, in the mean time, it was agreed that a trap should be laid to bring his guilt to light, in such a way as to bring it home so unequivocally to the prisoner, that all the world should feel and acknowledge it. It was, that letters should be written as from this town, and bank post-bills inclosed in them of similar sums to those complained of as having been lost in the letter, directed to Mr. Tottenham at Ross. I got old notes for the purpose, as new ones might have led the party to suspect: I would know these notes again, for I marked them. [Here a note was shewn to the witness, No. 1312, for ten guineas, payable to J. T Warner, and dated 28th August, 1800.] This is one of them which I marked to be put into the Post-office here.

I went to Castledermot; a person was directed to put the letters into the office here at separate times; this was in the month of May last; Mr. Waddy was before me at Castledermot; Major Swan, and Mr. Smith, his assistant, were ordered to be at Athy.

Early in the morning I arrived at Castledermot, having travelled all night, lest my coming should be known; when the coach stopped I opened the mail, and took out the Carlow bag, which I also opened; I found the letters which had been directed to be put in, the contents of one of them were perfect. On opening the other, which was directed to Mr. Christopher Rigney, Great Britain-street, Dublin, we found that one of the bank post-bills had been taken out, and, according to my suspicion, one of those with the signature of "Henry Lofcus Tottenham," substituted in its place. This is the bill, 7674, payable to R. Wallis for 10 guineas; this is the letter in which I found it,

it, marked with my own hand-writing, " 9th of May." Upon seeing this, I sent an express to Major Swan, to meet us at a particular moment in Carlow; we came there, and when we were ascertained that Wallace was at home, we repaired to his house; there were Mr. Waddy, Major Swan, Mr. Carter, Mr. Smith, and myself. We found Wallace at home; we took him into a back room and examined him; he was desired not to answer any question if he did not think proper. Mr. Waddy asked him then, whether any person but himself had access to the letters? he said, nobody; he was asked, had he received any money or notes that morning, or the day before? he said, he had not from the Wednesday before; this was Friday. We asked for the keys of his desk, and whether there was any money or notes in it? he said, he had notes to the amount of 470*l.* in it, and gave us the keys. The desk was opened, and in it we found a large pocket-book, in which were a number of bank notes. He pointed out the pocket-book without hesitation; and, in the pocket-book, on turning over the notes, I found the one which we had missed out of the letter directed to Rigney, and in place of which we had found the note endorsed with Mr. Tottenham's name, at Castledermot. This is the note I found in the pocket-book.

[This note was marked 1312 payable to J. T. Warner for ten guineas.]

The person of the prisoner was secured. He was first asked whether he had any notes about him? he said he had not. I then quitted that part of the house, and left him in possession of Major Swan. I went to search his office.

Cross-examined.

There have been frauds in the office at Dublin. It is certainly possible to counterfeit any mark upon a paper. A
witness

witness may be mistaken in his belief, that a name was written by any particular person; his testimony can only amount to his belief that it was so written. Mail bags have been sometimes lost. I found in the prisoner's office two mail bags, which ought to have gone forward. Bags have been sometimes lost, sometimes stolen. No person is suffered to transact the business of the General Post-office, who does not take a very solemn oath. When the bags are made up, the office seal is put upon them; but, from the manner they are carried, it often happens that the seals are rubbed off. There is no mode of preventing this; the bags at sometimes are of great bulk, sometimes small; they are sometimes forced in, sometimes thrown loosely into the boot.

I have had dealings and intercourse with the prisoner, and until my first suspicion of him arose, I had as good an opinion of him, as a man of honour and integrity, as I had of any other man. The accounts of his office were correct; none were more so in the Kingdom of Ireland, as far as came to the knowledge of the Post-office. He had other means of acquiring property besides his situation in the Post-office—he was an apothecary. He shewed not the least reluctance or hesitation in giving up the keys.

Here the prisoner asked Mr. De Joncourt, whether he had not met him in a friendly manner on his coming into the house, and without any apparent consciousness of guilt? — Witness. He came up to me in a friendly manner; but whether it was in consequence of the impression on my mind or not I cannot say, but I thought I saw in his countenance that he was not glad to see me.

Mr. James Carter sworn.

I transact business for Mr. Waddy, the Solicitor for the
Post-

Post-office, to whom I am serving my time. I was employed by him on the 8th of May last to put two letters into the Carlow Post-office, containing securities and bank post-bills. I put them into the office myself—they were never out of my possession till I put the letters into the office. One of them was directed to Mr. Christopher Rigney, the other to Mr. Godwin Pilsworth. This is one of the letters, that directed to Rigney. This is a bank Post-bill for ten guineas, which was in the letter to Rigney when I put it in the office. I put a mark on it at Johnstown. The notes were all marked with the initials of my name, I C; but as the same initials on all might have been suspicious, I changed the mark on this note to P C. This letter and note were put by me into the office at Carlow. This was about the 8th or 9th of May. I believe it was on a Thursday. I left Dublin on Wednesday for the purpose. I saw the prisoner in the office at the time I put this letter in. He made a motion towards the receiving box. I cannot swear that I saw him open the box. The wafer was not dry in the letter when I put it in.

I was afterwards in company with Mr. De Joncourt at the prisoner's house. I saw this note in Mr. Waddy's hands then. I was, when it was found, in another part of the house. Mr. Waddy called me—I knew the note when I saw it.

[The note found in the letter to Rigney, when stopped at Castledermot, being shewn to the witness,]

This note certainly was not in the letter when I put it in.

I have in my hand a memorandum in my own writing of the notes I put into the letters.

Major

Major William Bellingham Swan sworn.

I recollect the 9th of May last. I went to the prisoner's house on that day. On Mr. De Joncourt and I and two more coming into the house, the prisoner went into the parlour with us. Previous to any search, Mr. Waddy asked him several questions, as—whether he had made up the mail the night before? He said he had; that no person had access to it but himself. Mr. Waddy had said that he was not bound to answer if he did not choose; the prisoner said he would state every thing. I told him I had a warrant against him. He was much surprized, and said, there was not a more loyal man in the country than he was. We asked whether he had any papers? he pulled out his keys. We asked whether he had any notes about him? he said not. I said, I don't like to put my hands into a gentleman's pocket; upon which he turned out his own pockets, coat, waistcoat, and breeches—there were a penknife and some small papers there, but no note. I then felt the lining and collar of his coat—I had often found notes in such places. I made him take off his shoes; I opened his waistcoat, and found a red waistcoat under his outside waistcoat, and in a pocket in it some little packets; I opened one of the packets, and said, "why, these are bank notes." I called for pen and ink, and marked the labels in which these notes were rolled up. This is one of them.

[Here *Major Swan* identified the following parcels :

1. Labelled, *John Reilly, Waterford*, and containing the halves of the following notes.

Leighton's,	{	2140, 31 Jan. 1800, 10l. to C. White.
		2116, 29 Jan. 1800, 10l. to Js. Gorman.
		889, _____ 10l. _____
B. of Ireland,	299,	_____ 10l.

2. Labelled,

2. Labelled, *Clonegal, Thomas Wade, Dame-street*, and containing the halves of

Leighton, 2130, 31 Jan. 1800, 10l. to C. White.

Beresford, 645, ————— 10l.

3. Labelled, *James Lennon, Cork*, and containing half of a bank post-bill of Leighton's, 9027, for 5 guineas, payable to R. Fulton, and a Bank of Ireland bill for 10 guineas.]

Having finished the search of his person, I opened the desk. Mr. Waddy asked the prisoner, had he received any bank notes that day? He said not. Whether he had received any the day before? He said, not since the Wednesday before. This was on Friday. I opened the desk—there was a large pocket-book in it—I opened the pocket-book. In going over the notes which were in it, Mr. Waddy or De Joncourt stopped me at one particular note—they said it was the one they wanted—I then marked it. This is it.

[Major Swan here identified the note, No. 1312, payable to J. T. Warner.]

I delivered the notes into Mr. Waddy's possession. I am positive these parcels are the very same I found on the prisoner.

Cross-examined.

The waistcoat was a scarlet one, it was an inside one, but not secret, nor was the pocket a secret one; it was such a waistcoat as any man might wear without any desire of concealment; he answered every question without hesitation; I never in my life performed a more painful task than searching him.

John Gorman sworn.

I am a mail guard; I received the Carlow bag from the
D prisoner

prisoner himself on the 9th of May last; I put it into the boot, and went with it to Castledermot, where I gave it to Mr. De Joncourt.

Cross-examined.

It sometimes happens that the mail is carried to the coach by other hands than mine. I have every reason to recollect that particular day, for his wife gave me a letter to forward after I had got the bag. I have not been affected in my understanding since that time; I have been sick in a bad fever. In the fever I was in a state of derangement; the fever went astray on me, but I remember that day very well.

Mr. Richard West sworn.

I live in Newtown Barry, and did so in April last. I recollect writing a letter to Mr. Thomas Wade, No. 16, Dame-street, Dublin; Clonegal is our post-town. I enclosed half bank notes in the letter, one of a ten pound, the other of a five guinea note. [A letter being shewn to the witness,] this is my writing; it is the letter in which I enclosed these half notes. It has a post mark, which I conceive to be "*Clonegal*." The letter is dated the 20th of April.

[One of the half notes for 10l. numbered 645, found in a parcel taken on the prisoner, and labelled, *Clonegal, Mr. Wade, Dame-street, Dublin*, was here shewn to the witness.]

This is the half note I enclosed to Mr. Wade.

[Another, endorsed "*Henry Loftus Tottenham*," and numbered 2130, being shewn,]

I never saw this note to my knowledge before.

No cross-examination.

Mr.

Mr. Thomas Wade sworn.

I know Mr. West, the last witness. I received half notes in a letter written by him in April last; it came by post. This is the letter; it contained half a 10l. note, and half a five guinea note; this is the half 10l. note I received. [Here the witness identified the note endorsed "Henry Loftus "Tottenham," and numbered 2130.

The half note which West had sworn he put into the letter, being shewn to witness,]

This was not in the letter. I never received the corresponding half of this note; but I received by hand another half of a note, No. 645; it was left at my house, and received by my clerk, Edward Kelly.

Mr. West called again.

I sent the remaining halves of the notes I enclosed by hand by Mr. John Carty, to deliver to Mr. Wade, with directions to say that I had sent the others by post.

Mr. John Carty sworn.

I know Mr. West. I received some half notes from him in April last, with directions to deliver them to Mr. Thomas Wade, Dame-street; or, if it should not be convenient to me to delay in Dublin, to give them to his brother-in-law, Mr. Isaac Stewart, and say, the others were sent by post. I am positive that I delivered them to Mr. Stewart.

Mr. Isaac Stewart sworn.

I know Mr. Carty—I received half notes from him—I believe it was in April. I delivered them to my brother Thomas, with some directions pinned upon them in Mr. West's hand-writing. I delivered the identical half notes to my brother.

Mr. Thomas Stewart sworn.

I know the last witness. I received some half notes from him, directed to Mr. Thomas Wade, Dublin—I took them to Mr. Wade's, and gave them to Edward Hely, his clerk.

Mr. Edward Hely sworn.

I live with Mr. Wade. I got these half notes from Mr. Thomas Stewart, and put them into a drawer till Mr. Wade came in, when I gave them to him.

Mr. Thomas Wade called again.

I received these half notes from Hely.

Mr. John Brophy sworn.

I recollect in April last enclosing half notes to Mr. John Reilly, Waterford; they were halves of four notes or bank post-bills to the amount of forty-five pounds. I believe I put the letter into the post myself. This is the letter. On the 22d of April I received a letter by hand from Mr. Reilly, desiring me to give the money I had for him to Casey, a boatman. I told Casey that I had sent the first halves by the Carlow Post-office, and gave him the remaining halves of those I had sent. I would not know the notes again.

Mathew Casey sworn.

I know Mr. Brophy—I received some half notes from him to lay out in Dublin for Mr. Reilly. This was in April. I gave them to Tom Wall. Wall lives in Dublin, and is a clothier. I positively gave Wall the same half notes Mr. Brophy gave me. I did it by Mr. Reilly's order.

Mr. Thomas Wall sworn.

I know Casey; I received from him half notes for account of Mr. Reilly of Waterford—I put them into a
desk

desk when I received them. I afterwards received half notes from Reilly by post to match those I got from Casey; two of them did not match, and I gave the four parts of these notes back to Casey.

Mat. Casey called again.

I received four half notes from Mr. Wall, and gave them back to Reilly.

Mr. John Reilly sworn.

I recollect receiving a letter with half notes by post from Mr. Brophy of Carlow. This is the letter, and this memorandum of the notes was taken in my presence, and by my directions, because there had been a disappointment before.

[Two half notes being shewn to the witness,]

These are two of the halves I so received, and they agree with the memorandum.

[These were the halves of 2116 and 2140, the corresponding parts of which were sworn by Major Swan to have been found on the prisoner's person, labelled, *John Reilly, Waterford.*]

Here are the two I sent to Wall. The other halves brought back along with them by Casey, do not correspond with them.

[The half notes given by Brophy to Casey were here examined, and found to tally exactly with the two halves found on the prisoner's person—889, Leighton, for five guineas; and 299, Bank of Ireland, for ten pounds, and enclosed in the same direction, *John Reilly, Waterford.*]

Thomas Tipping Smith, Esq. sworn.

I am a Captain in the army. On the first of May last
I was

I was quartered at Newtown-barry ; Mr. John Smith, my brother, being then in Dublin, I had occasion to write to him. I had a bill due on the 7th of March, payable at his house in Aungier-street. On the first of March I enclosed to him two ten guinea notes for the purpose of paying it, and put the letter into the Post-office at Clonégall. I have an account of those notes in my own hand-writing. Bank note, 6796, payable to bearer, dated 25th Jan. 1799. Bank Post-bill, 5355, dated 9th, & accepted 23d Dec. 1799, payable at 7 days sight to John Flood, both for ten guineas. This letter is my writing. It is directed to my brother, and is that in which the notes were enclosed. There was no description of the notes in the letter. Not getting an answer, I had recourse to my memorandum, and wrote an account of them to my brother. I had a letter, in which my brother expressed his surprise that I had not sent provision for the bill. I did not open the letter after I had sealed it. The first letter was dated the 1st, the second the 9th of March.

John Smith, Esq. sworn.

I am a barrister—I live at No. 31, Aungier-street ; on the 6th or 7th of March I received a letter from my brother. This is the letter: it contained two bank post-bills: No. 2306, 2307, for ten guineas each.

Captain Smith called again.

These were not the notes I enclosed in that letter.

Mr. Francis Bogard sworn.

[This witness was also called to prove the substitution of notes in letters put into the Carlow office; but it was deemed by the prosecution unnecessary to go into further evidence.]

Mr.

Mr. John Ward sworn.

I know Mr. Henry Loftus Tottenham ; I am his clerk.

Mr. Colles. I understand this witness comes to prove that these endorsements are not Mr. Tottenham's writing; I object to his proving any thing in this case but the actual forgery by Wallace, the prisoner.

The Court over-ruled the objection.

Mr. Ward (in continuation.)

I see these endorsements; none of them are Mr. Tottenham's hand-writing.

[These endorsements were upon

No. 6306, }
No. 6307, } received by Mr. J. Smith,

and No. 7674, found by Mr. De Joncourt at Castle-dermot, in the letter directed to C. Rigney.]

Cross-examined.

I swear from a thorough knowledge of Mr. Tottenham's hand-writing.

Here the evidence for the prosecution was closed for the present.

D E F E N C E.

William Henrican sworn.

I know Mr. Wallace the prisoner—I was in his shop the same day on which he was arrested—it was about three hours before the arrest—about one o'clock, or later—I instructed his children—I saw a person come into the shop to buy stamps; he asked, was it there they were sold? and said he wanted forty shilling stamps. Mrs. Wallace was in the shop; she looked at him, and asked, was it for his
own

own use he wanted them? He said he wanted them for citations. She counted the stamps to him, and he pulled out a ten guinea note, and asked for change. She opened the desk, and said, "upon my honour, I have not change." He said, "I would be much obliged to you to get me the change, as I am a stranger in the town." She bid me look at the bill, and I saw on it the name of F. or J. Warner; the same name was on the back of it.—[Here the note 1312, payable to J. Warner, was shewn to the witnesses.]

I see the name on it; but I am not certain that it is the same note. From my recollection of the bill, I do not think it could be more like. If a note could be identified by any person, I think I could identify this. I handed the note to Mrs. Wallace; she said, "I'll try has Mr. Wallace left so many small notes in his desk." She went into the parlour, and took out a pocket-book full of notes. She took out a five guinea note, and five guinea notes. He gave her back two guineas, and she gave him two shillings as change. She put the note she received into the pocket-book; it was a black-looking pocket-book. She took it back into the parlour, and put it in the desk. I staid in the shop. There is a glass door separating the parlour from the shop, which is easily seen through. There was one M'Daniel, a carman, in the shop at the time; he has carried goods for my brother from Dublin. I have lived in Carlow above twenty years past, and have taught school all the time.

No cross-examination.

John M'Daniel sworn.

I know Mr. Wallace; I was in his house between twelve and one the day he was arrested. Mrs. Wallace was there,

there, and a Schoolmaster of the town, one Henrican. I went to Mr. Wallace's shop; he was my landlord; I had a settlement to make with him of two years and a half in rent. Mrs. Wallace said he was not within, that he had rode out to Mr. Crofton's, and would soon be in. I waited some time, and a man came in and enquired for shilling stamps; he asked for forty. She asked him what he wanted them for? he said, for tythe business, or citations. On that she counted forty. He drew out a bank note, and bid her take it out of it. She said she had not change. He begged her for it. She found none in the stamp desk; she then brought out a pocket-book from the parlour with small notes. She counted out a five guinea note, and said, "there is half." She then counted the rest, and he returned two out of the ten. I saw her hand the note to the Schoolmaster, and I saw her put it into the pocket-book, and go into the parlour. Mr. Wallace did not come as I expected, and I went away.

No cross-examination.

Mr. John Purcell sworn.

I live in Carlow. I know Mr. Wallace and his wife. I recollect the day he was arrested. I went to his house on that day. He was distributor of stamps. I had occasion for an half-crown stamp; Mrs. Wallace was a long time looking for it. I went twice; he was come home the last time. Mrs. Wallace was so long looking for the half-crown stamp, that she despaired of getting it, and I went to Sykes's to look for one. She sent after me to say, that she had found it. She said the stamps were confused by selling forty shilling stamps for citations. I remember the expression, for she called it by some wrong name at first. This was not above an hour and an half before he was arrested. I dined opposite to him, and saw the arrest.

E

Mr.

Mr. Ashley Crofton sworn.

I know the prisoner, and have known him for ten years. I have had dealings with him; he had always an excellent moral character. I was in the office on the morning of his arrest, and saw him make up the mail. I had money transactions with him. I got from him twenty-five guineas in notes; this was after the mail was made up; he put no endorsement on them. I would have taken any note he gave me. He is a very short time in the Post-office; he was in good credit, and a thriving way, before he got it. I had large dealings with him before. Mrs. Wallace had often access to the Post-office; so had Mrs. Jennings; they often gave me letters out of the office. The door of the office often lay open; any person in the house might have gone in. Mrs. Wallace has often lent me money in the prisoner's absence, which, on account of his business, was very frequent. I would take his word as soon as any man's bond.

Patrick Murphy sworn.

I know Mr. Wallace. I live in the cellar under the next house to him. In August last I found a paper on the ground outside his door; it was about twelve o'clock in the day. I brought it to Mrs. Wallace in half a minute after I found it. I handed it to her, and said, my fortune was made. She opened one of the papers; it contained the halves of four ten pound notes. We went into the parlour, Mrs. Wallace, Mrs. Jennings, and myself, and after examining the halves, we could not get any two of them to agree in numbers. Mr. Wallace was not at home. Mrs. Wallace said, they must have been dropped there by some person who would be uneasy at their loss, and that she would keep them till Mr. Wallace came in.

She

She folded them up like a newspaper, open at the ends, and put them in her pocket; this was Friday the 25th of April—I remember it; it was the last day of the quarter session. . . . When Mr. Wallace came home I was in the parlour; he asked me how and when I had found them? He told me he would get them advertised; and next day he desired me, when I would go out with letters, to say that such things were found, and in his custody. I carried out letters for him, and whenever I carried letters with money, he always made me bring him an acknowledgment. I have often been in the house when the mails came in; the Clonegal bag was often brought without a seal, and thrown on the office floor. One day that I saw it tied with a little string, I said there was the devil in the bag, and, on examining, I found in it a brace of wild fowl, and the letters all smeared with the blood. We reckoned the letters then; for Mr. Wallace was so angry, he said he would be glad to find them wrong.

The mail guard did not come for the bags above once in fortnight. The people that cleaned the horses, or little boys about the stables, used to be sent for them to carry to the mail-coach hotel; I used to deliver them; Mr. Wallace employed me to arrange them.

No cross-examination.

The Hon. Major General Henniker sworn.

I know Mr. Wallace, and have frequently received money from him, and given him draughts for it. From every thing I have heard, I believe him to be a man of integrity, and I know him to be a man of strict punctuality. I recollect his speaking to me for a guard to escort the mail to Tullow, as he said the Clonegal line was irregular and unsafe.

No cross-examination.

E 2

Mr.

Mr. John Weekes sworn.

I know the prisoner very well, he is connected with me; I am in habits of intimacy with him. I was at his house in April last. I always lay there when I was in the country about business. I recollect seeing Murphy, the witness, there; I heard the evidence he gave now, and recollect being present about the 25th of April last, when there was a conversation at Wallace's house about half notes which were found by Murphy; it was the second day of the quarter sessions, which I attended. Mr. Wallace produced the half notes to me, and bid me look at them, from the odd circumstance of their having been found at his door, while he was out at the quarter sessions; they were folded in a small compass, in a bit of paper; there were four parcels; he consulted me on advertising them, but said, as he was so soon to be in Dublin, he might as well wait, and perhaps the owners might apply for them. I set down the amount of them on paper; it was about 80l.

[Here the parcels found on the prisoner by Major Swan were shewn to the witness.]

The wafer was fast in these papers; we drew the notes out at the end, and thus examined them; they were then returned as before.

I do not know this to be Mr. Wallace's writing; I don't think it is his usual way of writing.

[The forged indorsement of Mr. Tottenham's note being shewn.]

I do not believe this to be Mr. Wallace's writing.

[Another was shewn.]

Nor this. I am well acquainted with his hand writing.

When

When Mr. Wallace was abroad, Mrs. Wallace and Mrs. Jennings usually attended the office, so did the shopman, sometimes I did. The office-door could not be locked, there was such a constant application for letters ; the door could only be **locked** on the outside ; he could not lock himself in. I was acquainted with him before he got the Post-office ; he was always in affluent circumstances. I knew him in January, 1798, to lend a gentleman 550l. before he got the Post-office ; it was Captain Loftus of the 9th dragoons.

Cross-examined.

I live in Dublin, where I follow business as an attorney. My knowledge of the prisoner's hand-writing, arises from an occasional correspondence for three years past. I took the fums of these half notes on paper. I cannot say whether there was any thing written on the envelope which enclosed them. Mr. Wallace was to advertise the notes. I never saw the advertisement. If there had been any writing on the notes, such as " Thomas Wade, Dublin," I suppose he would have restored them to the owner. I cannot believe that " Thomas Wade, Dublin," was put on it by accident.

[Here the parcel, directed "*Clonegal*, Thomas Wade, " Dame-street," was shewn to witness.]

I swear that this is not Wallace's hand-writing, if I can be positive of any hand-writing. I cannot say whether it was written on the paper when I saw it.

I am married to a sister of the prisoner's wife.

[Then a letter was shewn to the witness.]

I believe this to be his hand-writing. I always thought the prisoner an honest man until this charge was made, and a good Post-master. He left the care of the office
to

to his friends, on account of the hurry of his business, which often took him abroad ; he was rich enough to secure the office. I knew nothing of the state of the bags that came in, only of the letters sorted into the alphabet, to be delivered to the people of the town. I have seen many bags at his house, when the mails were used to stop at night ; a vast number of them lay behind the counter after the family went to bed? other people might at that time have access to them, as the house is not well secured.

Patrick Murphy called again.

There was some memorandum on the covers of the notes. I do not recollect what it was. They were sealed. I think this is none of the papers. The papers were on the notes when I found them. I never saw the inside of this paper before. I do not know what hand-writing these directions are in. I can form no belief.

Mr. Nicholas Hart sworn.

I have known Mr. Wallace many years, and have had very considerable dealings with him. Since the year 1794 he has been in good circumstances. When he commenced business, I used to assist him by accepting bills for him in Dublin. In 1794 I found he required very little assistance from me. He became Post-master in March 1798, about two years and an half ago. I correspond constantly with him. I believe these endorsements of " Henry Loftus Tottenham " are not the prisoner's hand-writing. I never met an honest or more punctual man ; he was as honest a man as ever I heard of, and, to my own knowledge, a most industrious man.

Jonah Barrington, Esq. sworn.

I know the prisoner perfectly well ; I have known him
about

about nine years, and for the last six intimately. Since I went circuit I have constantly lodged in his house; at first as a mere lodger, afterwards as a friend. I know what his circumstances were before he got the Post-office. He was in the habit of lending money, and consulting me as to the securities he took. About three years ago he was lending a large sum, in what I thought a foolish way; it was something under 2000*l*. I advised him rather to vest it in Government securities. He then told me his circumstances, and shewed me that he was making from 700 to 900*l*. a year—the greater part in his shop; and said he had been making nearly the same for seven or eight years before; and lately, before this charge was made, he had occasion to lay the whole of his circumstances again before me, they had not increased in the last three years. I often stopped at his house, but never had much dealing with him in the way of money. His general character was most exemplary in point of integrity and honesty. I never saw a man I would trust sooner than him. I have constantly seen him write; as far as I can judge, these endorsements are totally dissimilar to his hand-writing.

Cross-examined.

I have heard of his action against Reed; I was of counsel for him, and, as well as I recollect, the case was this: Wallace had lived with Reed; Reed charged him with roguery. Wallace consulted counsel, and brought an action for calling him a rogue. Reed justified; and it appeared in evidence that Wallace had given sixpenny worth of medicines to a poor servant-man, to cure him of a venereal complaint. This was thought sufficient to defeat the action, though it did not, in the opinion of any man, fix the charge of dishonesty on Wallace. I think Wallace is about nine or ten years in business as an apothecary. I
am

am convinced he had no property at first ; he had lived as foreman with Reed at a small salary. He has been twice married : he first ran away with Mr. Byrne's daughter, but they afterwards gave him some fortune. I believe he got with his present wife, Mr. Crofton's (her father) bond for 500l. which is yet unpaid. He has always lived with strict œconomy, and his wife was most attentive to domestic affairs. He entertained hospitably, but not extravagantly. He kept horses to go on expresses. There are other apothecaries in the town. He applied to me to get him into the Post-office ; I applied to Lord Ely, who said he had given it to Mrs. Wall ; but, as she was in bad health, I advised him to agree with her, and take it even at a disadvantage, in order to get into the way of succession.

Mr. Solomon Boileau sworn.

I live in Dublin, and am a druggist. I know the prisoner a long time, and have had dealing with him to a large amount ; so considerable, that he must naturally have made great profits. I never found any body more punctual ; he would have been an example for every person in his situation ; his last year's account was from 470l. to 500l ; an apothecary makes more than 50 per cent. I believe 500l. worth of original drugs would produce 500l. or 600l. more if skilfully compounded.

Cross-examined.

I have said, that he would be an example to others from his conduct in general ; I never found any want of punctuality in him.

Mr. John George sworn.

I am a partner with Mr. Boileau. I have been twelve years a druggist, and had for some time before been an apothecary. I think a country apothecary, retailing 500l. worth of a druggist's goods in a year, must make above
1000l.

1800. I have known the prisoner nine or ten years, and I never knew a more punctual man in all his dealings.

Mr. Edward Duigan sworn.

I know the prisoner, and have known him six years. I never knew a fairer or better character in the whole course of my life.

Robert Cornwall, Esq. sworn.

I have not known the prisoner but by character until very lately, and when the stamp office of this town became vacant, I procured him the appointment. I never had any reason to think of him but as a man of integrity and honesty until this charge.

Mr. John Alexander sworn.

I know the prisoner eight or nine years; his general character has been always that of an upright, honest, sober, and industrious man.

Mr. Robert Cooke sworn.

I have had dealings with Mr. Wallace; he has often given me large bank notes for small ones; this was before he got the Post-office. On one occasion he lent me above fifty pounds.

Mr. Charles Cox sworn.

I know the prisoner nine or ten years; during that period his general character has been very good, as a man of probity and integrity. I would entrust him with half what I possess.

Here the defence closed.

The Counsel for the Crown desired to call Mr. De Joncourt to a point which had arisen from the nature of the defence.

Isaac De Joncourt, Esq. called again.

[The parcel found upon the prisoner, and labelled "Glo-
"negal, Mr. Thomas Wade, Dame-street," was shewn to the
witnesses.]

I believe this direction to be Wallace's hand-writing ; the paper on which it is written is a part of a printed sheet of dockets sent from the General Post-office to the country Post-masters, to accompany their bye-letters.

[The paper, directed to *John Reily, Waterford*, being shewn to Mr. Dejoncourt,]

I believe this also to be Wallace's writing, though the similitude is not so strong as in the other.

[That directed to "*James Lennon, Cork*,"] I believe this to be Wallace's hand-writing.

Cross-examined.

These printed dockets are sent to every Post-office.

Jonah Barrington, Esq. called again.

[The parcels being shewn to him] this is totally dissimilar to any thing of the prisoner's writing that ever I saw.

Nicholas Hart called again.

[The papers were shewn to the witness.]

I do not believe this to be Wallace's hand-writing ; one of them is something like it.

Here the evidence was closed on both sides.

LORD KILWARDEN.

GENTLEMEN OF THE JURY,

You are engaged in the discharge of a duty which requires your most earnest attention, and the most thorough examination of the evidence laid before you. The charge against the prisoner at the bar is of a capital nature ;—the evidence which has been offered in support of the charge, is in its nature circumstantial and various ; and, though it sometimes happens that no evidence can be
stronger

stronger or more satisfactory than circumstantial evidence; yet it always demands a minute and close attention. I wish the counsel on each side to attend to the statement which I shall make to you of that evidence; for where so many various circumstances are laid before me for the first time, it is not impossible that I may omit or misconceive one or other of them.

There are two indictments given you in charge: one for taking letters and notes out of the mail bag, and having embezzled them; the other, for forging of the name of Mr. Tottenham. In one count, with intent to defraud Leighton and Co.—in the other, Mr. Tottenham himself.

In the first indictment there are fourteen counts: that is, the charges are spread on the indictment in fourteen different modes, in order to square the charge to such evidence as should be laid before you; but, this number of counts is not to be supposed to lay the prisoner under any difficulty. It does not—the general nature of the charge continues the same; though, in order to attain the ends of justice, to preserve the intercourse of society, and the property of the honest subjects of the state, it is found necessary to use such caution; but truth cannot be confounded thereby, nor is the prisoner laid under any difficulty whatever.

[Here his Lordship recited the different counts of the indictments.]

I will now, Gentlemen, recapitulate the evidence: [his Lordship here recited the evidence, making, as he went on, the following observations.]—Mr. Callan tells you, that he made up certain notes, (which he minutely describes) in a letter directed to Mr. Tottenham, at Ross; Holland swears that he put the letter into the Post-office in Dublin.

Here, gentlemen, you must be satisfied that the letter was carried by Holland to the Post-office in the same state. Callan made it up, otherwise the charge under the Post-office act entirely fails.

Hill proves the mail to have been regularly made up on the 27th of February; it is for you to consider, whether the letter, with the bills, went into that mail.

Mr. Tottenham proves that he received no such notes; so that if you believe them to have been put into the Post-office, something must have prevented them arriving at New Ross.

As to the evidence of Mr. Tottenham, respecting the endorsements not being his hand-writing, you are to put it out of the case, for I am to tell you that he is an interested witness.

Mr. De Joncourt's evidence goes, in the first instance, to raise a probability that this letter was stopped in Carlow. He tells you that the mails for Cork, and Dublin, and Clonmel, delayed in the town of Carlow.

If you believe De Joncourt and Carter, it is proved that a letter, with notes in it, was put into the office in Carlow, and that in the office here one of the notes was changed. It will be for your consideration, from the circumstances, whether it was changed by the prisoner.

As to the character of the prisoner, a variety of witnesses of great respect have sworn him to be a man of the most unsuspected integrity.

The evidence of Mr. West goes to charge the prisoner with having opened a letter from Clonmel to Dublin, and substituted notes in the room of those it contained.

Throughout all the evidence there is no direct proof of
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the embezzlement ; but it is for you to consider whether, from all the circumstances, you have just reason to believe upon your oaths, that he did embezzle those notes and letters.

You cannot doubt, I think, that they got into the mail. You are told that suspicion fell upon the prisoner, and you will probably think that such suspicion was in some degree confirmed by the half notes found upon his person.

It appears that, in consequence of this suspicion, a scheme was laid to detect the guilty person ; and I cannot help saying that the scheme, far from deserving any blame, appears to me to be not only ingenious, but highly justifiable and praise-worthy—an honest design to detect fraud.

If you believe, from what has been sworn, that the prisoner took out of Rigney's letter the note payable to Warner, and substituted one of those payable to Tottenham, it is strong evidence to prove that the parcel addressed to Tottenham was embezzled by the prisoner.

It is also proved that there were found on him in parcels several half notes, and the names of persons to whom those half notes were originally sent by post, written on the labels ; and it is proved, that those persons received half notes payable to Mr. Tottenham in their stead. This is another circumstance to prove the embezzlement of Mr. Tottenham's notes.

But, gentlemen, you have heard the account given of those notes and labels by the prisoner's witnesses. If you believe their testimony, it is possible that some other person might have taken them out of the letters in which they were enclosed, and having lost them, they might be found in the way you have heard sworn ; if you give credit to this account, you must acquit the prisoner.

You,

You are also to consider how it was possible that one of Mr. Tottenham's notes got into the letter directed to Rigney, and the note for which it was substituted into the possession of the prisoner.

The object of Henrican and M'Daniel's evidence went to the last point; and if you believe that the note found in the prisoner's pocket-book, was taken by his wife in payment, you cannot suppose the prisoner to have been the person who took it out of the letter; and I should here remark a difficulty the prisoner lies under, in this part of his case, his wife cannot give evidence. By our law a wife cannot, in a case of this kind, give evidence for or against her husband.

If, however, you believe De Joncourt and Swan, the prisoner said no person had access to the mails but himself; at the same time you will consider, that such an answer may have proceeded from a consciousness of his negligence, and a desire to keep his place; for you have been told of the neglectful manner in which he kept his office; and it is directly sworn, that any body might have access to it. You recollect the evidence of Carter, and you will see whether it goes to prove that the prisoner took the letter out of the box himself, or whether it might not, by possibility, have been taken by some other person who had access to the office, and might have given it to the stranger who came to buy stamps. Though finding the half notes on the prisoner's person, goes in some degree to corroborate the contrary opinion, and weighs much against the credit of those men, Henrican and M'Daniel.

You have heard the evidence given by the prisoner's witnesses, of these half notes being found at his door: it is evidence of a most awful nature. If you believe it, the presumption of guilt from finding them on him fails entirely; and if it be not true, how can the unhappy man

at the bar account to God and his conscience for having brought it forward.

But the evidence gives an account consistently enough. You are told that those half notes when found were examined accurately by the prisoner. One of the witnesses tells you that the prisoner told him of them before the arrest, and proposed to advertise them. If this be true, it must take from the weight of evidence of finding them on him. You are then to consider the directions written on the labels; if you do not believe the prisoner wrote them, you may suppose they were thus prepared to be sent to the owners by some other person. The witness for the prisoner said two of them were not like his hand-writing; that the third was something like it. Mr. De Joncourt, who, from his office, is a person well acquainted with comparison of hand-writing, said they were the writing of the prisoner. And here you may consider a circumstance which arises from the prisoner's own defence: It is sworn, that he had these parcels for a considerable time in his possession, with the written directions on them; in that time, it is natural to suppose, it ought to have struck his mind that these were the directions of the owners, and that he ought to have communicated the finding them according to their directions.

When searched by Major Swan, he denied having any notes, and, in confirmation of his denial, turned out all his pockets with readiness. It is for you to consider whether he did so, utterly forgetting that he had those parcels about him, or whether he hoped to conceal them by these means.

As to the evidence of character resorted to by the prisoner, it cannot be questioned. He appears to have had as good a character as man could possess. If you have a doubt

doubt as to his guilt, his good character is a strong ground for acquittal; but that doubt must not be light or capricious—it must be the doubt of a reasonable man, acting impartially upon his oath.

Another species of evidence has been offered, and, in case of doubt, should weigh strongly in his favour; it is sworn that he was in such a way of affluence, that he had no motive to attempt acquiring by such crimes as are charged against him. If you are not fully convinced of his guilt, this should have weight in your determination.

As to the forgery, the evidence is not of so strong a nature as upon the other indictment; for, though it is proved that these endorsements are not Mr. Tottenham's writing, you must, in order to convict the prisoner, also believe that he actually forged them. Mr. De Joncourt swears, that he believes them to be the prisoner's hand-writing; but this is not a very strong kind of evidence.

You, gentlemen, are the judges of the evidence for and against the prisoner. You will maturely weigh and consider it. If you have a reasonable doubt of his guilt, you will acquit him; but you must not suffer yourselves, on the one hand, to be warped by pity for his character and situation; nor, on the other, by a desire of bringing to punishment a man charged with crimes of so serious a nature.

At half past eight the Jury retired, and, having been enclosed about twenty-five minutes, returned a verdict of **GUILTY**.

Sentence of death was then passed, and the 16th of August ordered for the execution. ~



T H E E N D.

And on four o'clock on that day he was hanged at the new gall in Carlisle.

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